

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

June 2, 2003

CALL TO PODIUM:

Daniel Janousek

RESPONSIBLE STAFF:

Daniel Janousek, Long Range
Planning

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item
is a public hearing)

Introduced	
Advertised	05-14-2003
	05-21-2003
Hearing Date	6-02-2003
Record Held Open	
Policy Discussion	

TITLE: Joint Public Hearing

SDP-03-004, Amendment to SDP 7-1 from 26,000 square feet of previously approved retail land use to 42,091 square feet of mixed land use. The subject property is located at 183 Kentlands Boulevard, Midtown, Kentlands, Lot 1 Block Q and is bordered by Great Seneca Highway and Kentlands Boulevard. The subject property consists of approximately 3.41 acres of land and is zoned MXD (Mixed Use Development).

SUPPORTING BACKGROUND:

The applicant, Saul Holding Limited Partnership c/o Saul Center, requests to modify SDP 7-1 (approved July 7, 1997) by changing the approved land use from retail to mixed land use.

The amendment proposes a two-story building with 24,405 square feet of retail/commercial land use on the first floor and 17,686 square feet of office/professional land use on the second floor.

The site is located in between the existing Lowes retail store and the existing Mobil gas station on Kentlands Boulevard. The site plan includes 132 parking spaces (125 required).

The presentation will be given by Mr. John Collich, Senior Vice President, Saul Centers.

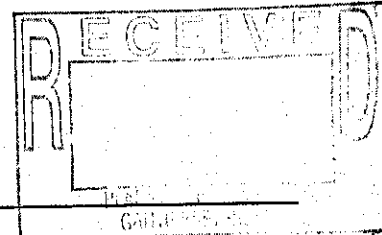
Exhibit list and exhibits attached.

DESIRED OUTCOME:

Hold record open: Planning Commission 11 days
(June 13), recommendation to City Council June 18;
Mayor/Council 30 days (July 2), policy discussion
July 7, 2003.

SDP-03-004
Amendment to SDP 7-1
Saul Centers
183 Kentlands Boulevard
Joint Public Hearing
Index of Memoranda

Number	Exhibit
1.	Site Plan Application dated May 12, 2003
2.	Site location map
3.	Site Plan, Landscape Plan and Elevations
4.	Notice of Joint Public Hearing sent to <i>Gaithersburg Gazette</i> on May 13, 2003
5.	Notice of Public Hearing sent May 15, 2003
6.	Resolution R-86-97 granting approval for Schematic Development Plan SDP 7-1, known as Kentlands Midtown Phase 2, Section 3 & 4, Market Square, and Phase one of Lakelands dated July 7, 1997.

SITE PLAN APPLICATIONIn accordance with Article III, Division 19, Section 24-160 D.9
and Article V of the City CodeApplication # SDP-03-004
Date Filed 5-12-03
Total Fee \$7500 -**CONCEPT**
PRELIMINARY
FINAL (MXD FEE APPLIES)
☒ **SCHEMATIC DEVELOPMENT****1. SUBJECT PROPERTY**Project Name Midtown Section 3, Lot 1, Block Q
Street Address 183 Kentlands Blvd.
Zoning MXD Historic area designation Yes No
Lot 1 Block Q Subdivision Midtown/Kentlands
Tax Identification Number (MUST BE FILLED IN) 09-03266888**2. APPLICANT**Name Saul Holding Limited Partnership c/o Saul Center
Street Address 7501 Wisconsin Ave. Suite No. 1500
City Bethesda State MD Zip Code 20814
Telephones: Work 301-986-6134 Home _____**3. CITY PROJECT NUMBER**Original Site Plan Number (if applicable) _____
Name of previously approved Final Plan (if applicable) _____**4. ARCHITECT/ENGINEER/DEVELOPER**Architect's Name Cowie Associates
Architect's Maryland Registration Number _____ Telephone 202-342-2711
Street Address 1729 Wisconsin Ave. Suite No. 200
City Washington State DC Zip Code 20007Engineer's Name Rodgers Consulting, Inc.
Engineer's Maryland Registration Number _____ Telephone 301-948-4700
Street Address 9260 Gaither Road Suite No. _____
City Gaithersburg State MD Zip Code 20877Developer's Name Saul Holding Limited Partnership Telephone 301-986-6134
Street Address c/o Saul Center 7501 Wisconsin Ave. Suite No. 1500
City Bethesda State MD Zip Code 20814
Contact Person _____**4. PROPERTY OWNER**Name Great Seneca Development c/o Chevy Chase Bank
Street Address 7501 Wisconsin Ave. Suite No. 15th Floor
City Bethesda State MD Zip Code 20814
Telephones: Work 240-497-7330 Home _____

continued on reverse side



6. **PRIMARY USE**
Mixed Use Non-Residential Residential

7. **PROPOSED UNIT TYPE**
Mixed Use Retail/Commercial Other
Office/Professional Residential Multi-Family
Restaurant Residential Single Family

8. **WORK DESCRIPTION**
Amendment to 26,000 sf retail to 42,091 sf mixed use office/retail

9. **PROJECT DETAIL INFORMATION.** Please supply the following information

DEVELOPMENT INFORMATION		REQUIRED	PROVIDED
1. Site (square feet)			1.48550 sf
2. Site Area (acres)			3.41 ac
3. Total Number of Dwelling Units/Lots			
4. Height of Tallest Building			
5. Green Area (square feet)			
6. Number of Dwelling Units/Acre			
7. Lot Coverage (Percent)			
8. Green Area (Percent)			
9. Residential			
a. Single Family Detached	# Units		
b. Single Family Attached	# Units		
c. Multi-Family Condo	# Units		
d. Multi-Family Apartment	# Units		
e. Other			
10. Retail/Commercial	Sq. Ft. 24,405	66	
11. Restaurant Class: A B C	Sq. Ft.		70
12. Office/Professional	Sq. Ft. 17,686	59	62
13. Warehouse/Storage	Sq. Ft.		
14. Parking			
15. Shared Parking/Waiver			
16. Other			
17. Total	42,091	125	132

SUBMISSION REQUIREMENTS

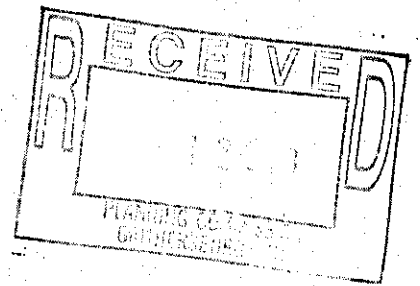
1. Set of plans per the respective checklist. Plans must be folded to B 1/2 x 11."
2. Completion of the table above.
3. Completed checklist.
4. Fee as applicable.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

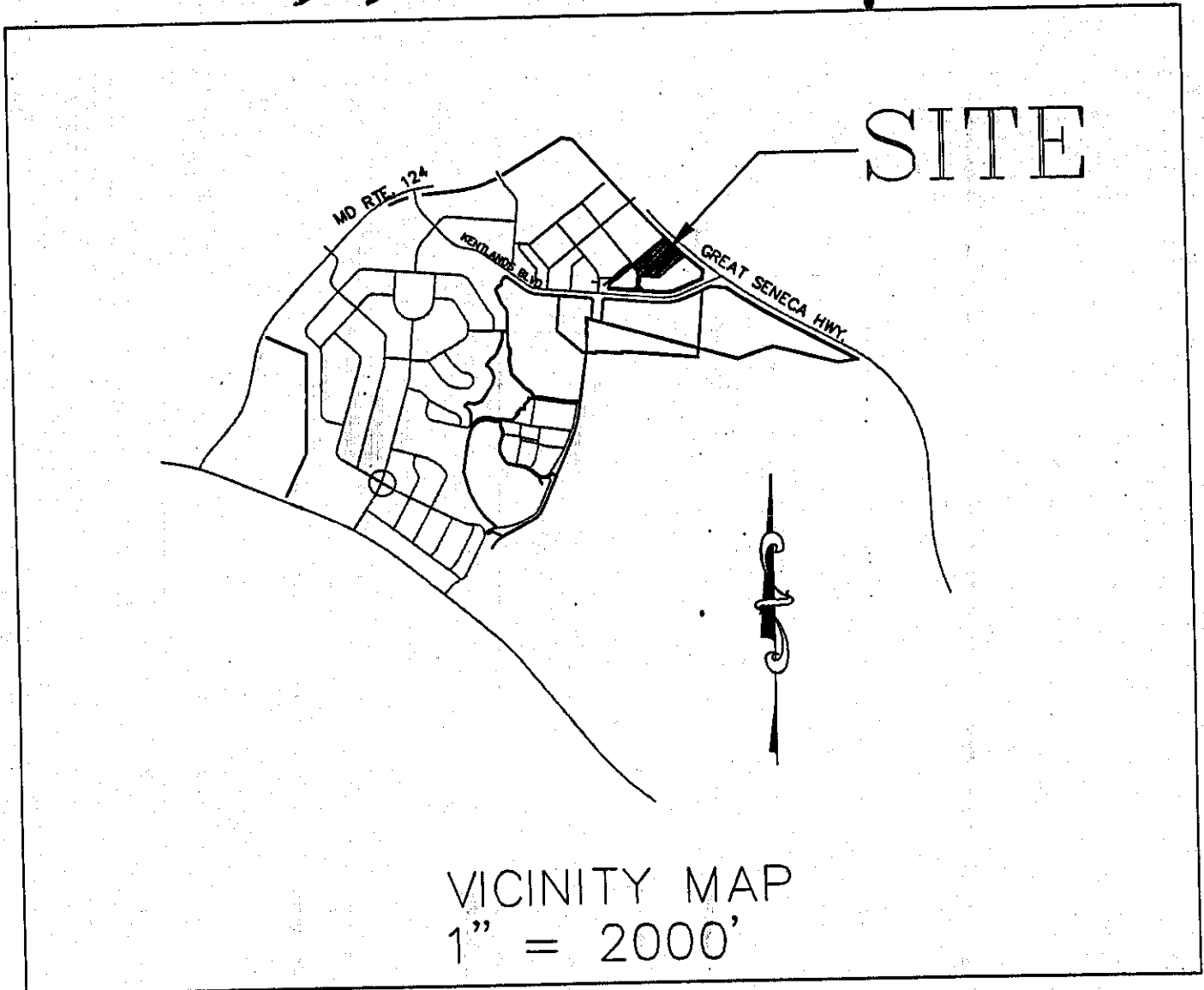
Applicant's Name (please print) Gary F. Unterberg Agent

Applicant's Signature *Gary F. Unterberg, agent*
Daytime Telephone 301-948-4700 Rodgers Consulting, Inc.

Date 5/12/03



SDP-03-004



PROF. GRAVE
EX. GRAVE
PROF. CURIO & GUTTER
EX. CURIO & GUTTER
BOULDER
PROF. PARKING LOT LIGHT
EX. STREET LIGHT
TOP OF CURIO SPOT GRAVE
FLOW LINE SPOT GRAVE
HANDICAP RAMP
TAPING RECEIPT

LEGEND

- PROPOSED TREE (represented by a circle with a central dot)
- PROPOSED GROUND COVERS (represented by a square with diagonal hatching)
- EXISTING TREES (represented by a circle with a central dot and a dashed outer boundary)

A MARYLAND REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT SEAL AND SIGNATURE ON PLANS WILL BE ACCEPTED AS PRIMA FACIE EVIDENCE THAT PLANS ARE IN COMPLIANCE WITH APPLICABLE CODES AND REGULATIONS.

[illegible]

SDP 7-1 AMENDMENT
LANDSCAPE PLAN
LOT 1, BLOCK Q

RODGERS
CONSULTING

Enhancing the value of land assets

Badgers Consulting, Inc.
9200 Gutter Road
Cathetersburg, MD 208
301.948.6700
301.948.6256 (fax)
301.253.6689
www.badgers.com

BASE DATA	BY	DATE
DESCRIPTION	BY	DATE
DRAWN	BY	DATE
REVIEWED	BY	DATE
ADDRESS CONTACT		

RELEASE FOR ☐

MIDTOWN SECTION 3, LOT 1, BLOCK Q

KENTLANDS

City of Gaithersburg
Gaithersburg Election District No. 1
Montgomery County, Maryland

KENTLANDS LTD PARTNERSHIP
L 11054 F 111

LOT 2
1.07 AC

EX. LONG AND TOSTER
OFFICE BLDG. (BY OTHERS)
FT - 426.0

LOT 3
1.10 AC

EX. RETAIL BLDG.
(BY OTHERS)
FT - 423.0

EX. KENTLANDS BLVD.

LOT 4
1.10 AC

EX. 29,744
SQ. FT. OFFICE
BLDG. (BY OTHERS)

BORGZA, SCOTT R.
C/O WESTERN CO
L 17940 F 502

GREAT SENeca HIGHWAY

[illegible]

MIDTOWN SECTION 3, LOT 1, BLOCK Q
KENTLANDS
 City of Oxfordshire
 Oxfordshire District No. 9
 Metropolitan County, Maryland
 STATE 1-1-50
 ES. NO. 0210
 2475
 April 1951
 C-4
 SHEET NO. 4 of 5
 SUP 107
 AMENDMENT: LANDSCAPE PLAN



KEY PLAN

PROJECT

**KENTLANDS
SHOPPING CENTER**

CLIENT

Saul Centers
7601 WISCONSIN AVE.
SUITE 500
BETHESDA, MD 20814
CONTACT: BRIAN DOWNE
TELEPHONE: 301.984.6231
FAX/PHONE: 301.984.0008

DATE: 10/10/08

R&A

RODGERS & ASSOCIATES, PC
8280 GANTHER ROAD

CONTACT: GARY UNTERBURG
PHONE: (303) 946-4700

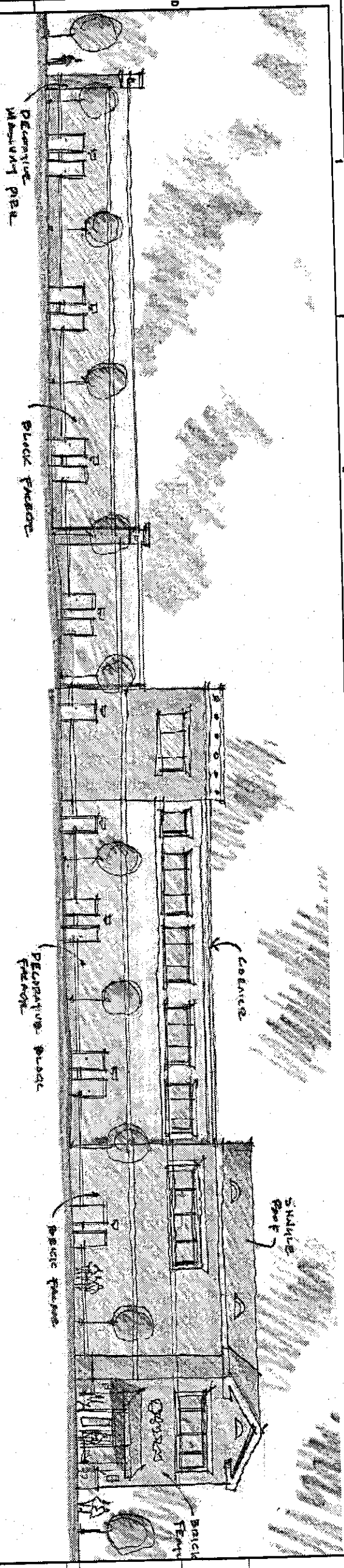
REV	DATE	DESCRIPTION
1	10/10/08	ISSUED

DRAWN BY: HIC	PROJECT NO: 02098.11
CHECKED BY: PC	DATE: 10/10/08
SCALE: 1/8" = 1'-0"	CAD FILE: R&A-1
SHEET NAME	

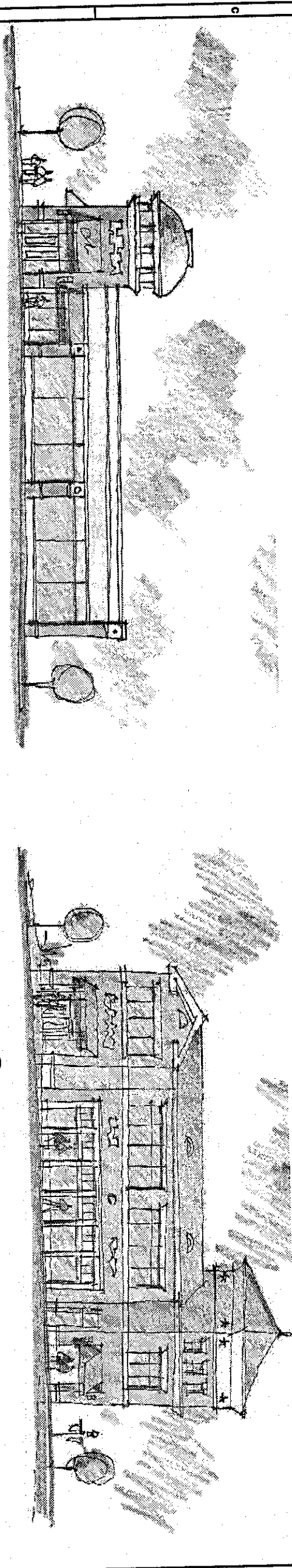
**CONCEPTUAL
ELEVATIONS**

SHEET NUMBER

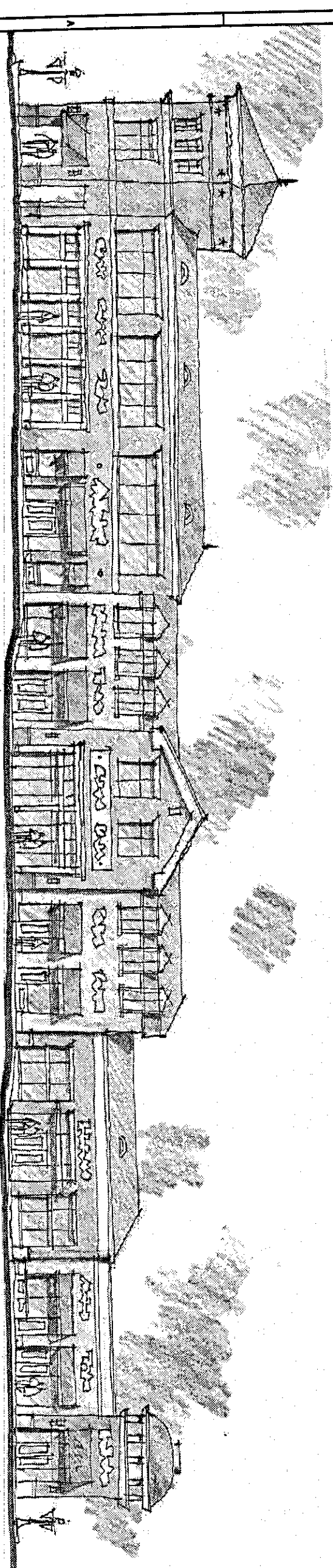
A3-1



1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 EAST ELEVATION
SCALE: 1/8" = 1'-0"



3 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

05/13/2003

Karey Major
Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Ms. Major:

Please publish the following legal advertisement in the May 14, 2003 and May 21, 2003 issues of the Gaithersburg Gazette.

Sincerely,

Daniel R. Janousek, AICP
Planner

ASSIGN CODE: SDP-03-004

ACCT. No. 133649

NOTICE OF JOINT PUBLIC HEARING

The Mayor and City Council and the Planning Commission of the City of Gaithersburg, Maryland, will conduct a joint public hearing on the amendment to Schematic Development Plan SDP-03-004, filed by Saul Holding Limited Partnership c/o Saul Center on

MONDAY
June 2, 2003
AT 7:30 P.M.

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The request is to amend the approved schematic development plan SDP 7-1, Section 3, Lot 1, Block Q, from 26,000 square feet of retail land use to 17,686 square feet of office land use and 24,405 square feet of retail land use for a total of 42,091 square feet of mixed land use in accordance with §24-160D.11 and §24-198(c) of the City Code. The subject property is located at 183 Kentlands Boulevard, Midtown/Kentlands, Lot 1, Block Q and is bordered by Great Seneca Highway and Kentlands Boulevard. The subject property consists of approximately 3.41 acres of land and is zoned MXD (Mixed Use Development).

Further information is available from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Daniel R. Janousek, AICP
Planner





Gaithersburg

A CHARACTER COUNTS! CITY

CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

Meeting: PUBLIC HEARING
Application Type: SCHEMATIC DEVELOPMENT PLAN AMENDMENT
File Number: SDP-03-004
Location: 183 KENTLANDS BOULEVARD
Applicant: SAUL HOLDING LIMITED PARTNERSHIP c/o SAUL CENTERS
Development: MIDTOWN SECTION 3, LOT 1, BLOCK Q
Day/ Date/Time: MONDAY, JUNE 2, 2003, 7:30 p.m.
Place: COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
31 SOUTH SUMMIT AVENUE

*****IMPORTANT*****

This application requests approval of a Schematic Development Plan (SDP) known as MIDTOWN SECTION 3, LOT 1, BLOCK Q in the Mixed-Use Development (MXD) Zone. The plan includes 17,686 square feet of office land use and 24,405 square feet of retail land use for a total of 42,091 square feet of mixed land use. Contact the Planning and Code Administration City Staff (listed below) at 301-258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

Joint Mayor and City Council and Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.ci.gaithersburg.md.us>.

CITY OF GAITHERSBURG

By: _____

Daniel R Janousek, AICP
Planner, Planning and Code Administration

SEE LOCATION MAP ON REVERSE SIDE



NOTICES SENT THIS 15th DAY OF MAY, 2003, TO:

APPLICANT AND INTERESTED PARTIES

(A list of interested parties and agencies is available in the file at the Planning and Code Administration Office.)

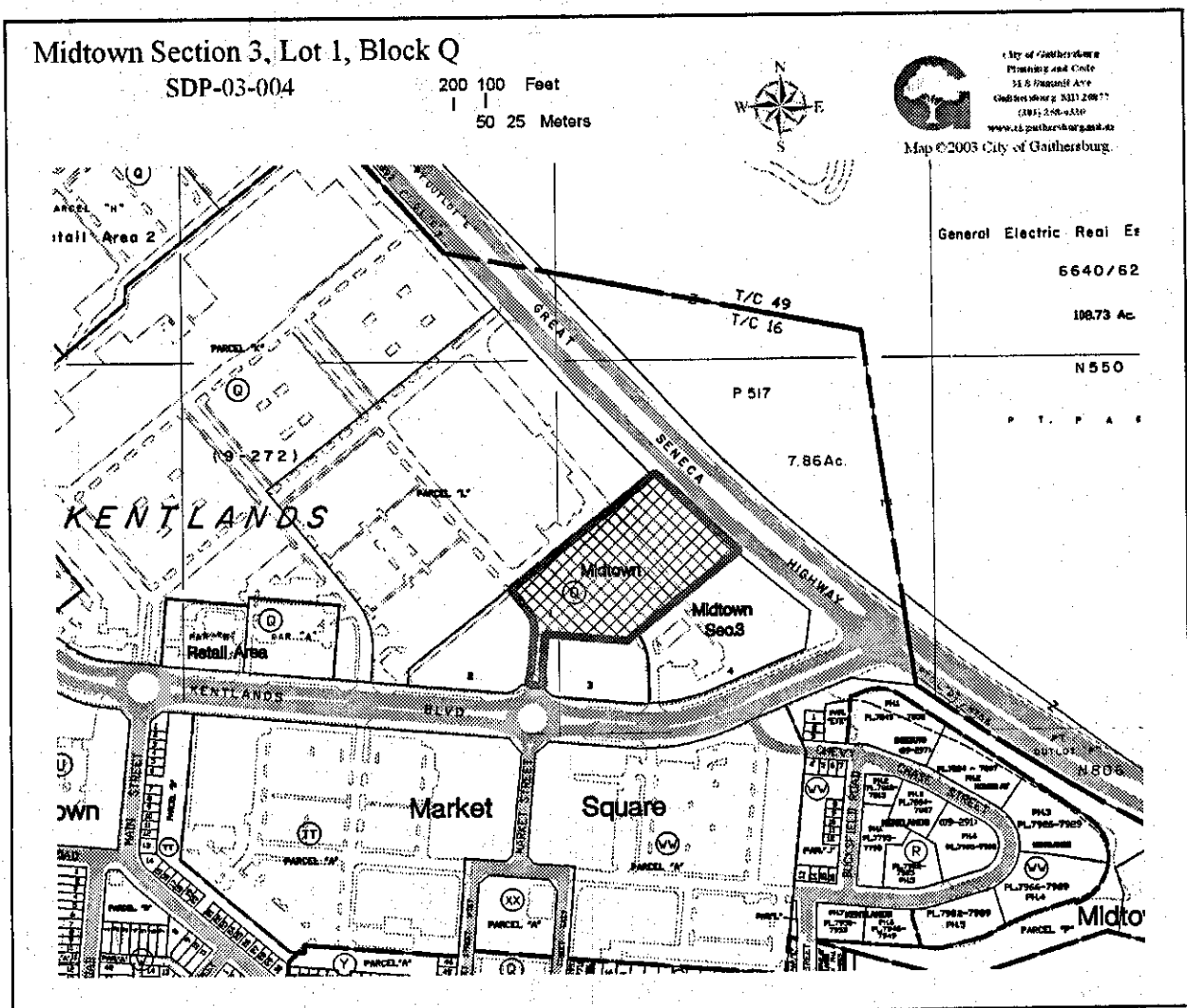
MAYOR AND COUNCIL

PLANNING COMMISSION

CITY STAFF

David B. Humpton, City Manager
Frederick J. Felton, Assistant City Manager
Tony Tomasello, Assistant City Manager
Stanley D. Abrams, City Attorney
Mary Beth Smith, Public Information Director
Doris Stokes, Administrative Assistant
Jeff Baldwin, City Web Administrator (via email)

LOCATION MAP



RESOLUTION NO. R-86-97

RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF GAITHERSBURG GRANTING APPROVAL OF THE
KENTLANDS MIDTOWN PHASE 2, SECTION 3 & 4, MARKET SQUARE,
AND PHASE ONE OF LAKELANDS,
KNOWN AS SDP-7-1, PRESENTLY ZONED MXD.

SDP-7-1

OPINION

This matter has come before the Mayor and City Council for approval of a schematic development plan (SDP) for portions of land zoned Mixed Use Development (MXD). The City Council's authority in this matter is pursuant to §24-160D.9(b)(3) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code), which authorizes the Council and Planning Commission to conduct public hearings on a schematic development plan application following appropriate notification procedures and to take action on the application within ninety (90) days of the close of the hearing record, following receipt of a recommendation by the City Planning Commission. This subject case involves approximately 159.47 acres, of which 49.62 acres is within Kentlands and 109.85 acres is within Lakelands, and is bounded by the existing Kentlands Square Shopping Center on the north, Great Seneca Highway and the Muddy Branch stream on the east, additional vacant land within Lakelands on the south, and the Kentlands on the west. This area identified as SDP-7-1 was submitted to the Planning and Code Administration and Planning Commission on January 14, 1997. This application known as SDP-7-1 presently requests approval for the development of 180 single-family detached units, 375 townhouses, 350 condominium units, and 270 apartments for a total of 1,175 dwelling units. Also included are 46 live/work units, 15 townhouse offices, a 16,000-square foot office building, 246,018 square feet of retail space, 58,550 square feet of restaurant space, and a 3,000-square foot service station.

Operative Facts

A. Background

On February 6, 1989, the City Council approved Ordinance No. 0-3-89, granting Zoning Map Amendment Application Z-262 for the "Kentlands", rezoning 352.493 acres from the R-A (Low Density Residential) Zone to the MXD (Mixed Use Development) Zone, and further approving an accompanying sketch plan as a part of the application. On September 5, 1989, the first schematic development plan (SDP-1, R-68-89) was approved for Kentlands and SDP's 2, 3, 4, 5 and 5A have since been approved.

On November 20, 1995, the Mayor and City Council adopted an ordinance (O-28-95) establishing a moratorium for approximately 50 acres of land within Kentlands so that it could be planned in its entirety along with the adjoining 343 acres of National Geographic Society property, now known as Lakelands. On March 29, 1996, a planning charrette concluded, at which time a plan for all of the aforementioned property was presented by the firm of Andres Duany & Elizabeth Plater-Zyberck & Co. On May 6, 1996, all of Lakelands and Kentlands that were subject to the moratorium, with the exception of Retail Section 3, were released from the moratorium by Resolution of the City Council (R-32-96).

JOINT
EXHIBIT
6
C-17-004

On February 3, 1997 the Mayor and City Council approved Resolution No. R-18-97 adopting an amendment to the General Plan for the City of Gaithersburg Neighborhood Four Land Use Plan addressing various parcels of land within both the Kentlands and Lakelands. Also on February 3, 1997 the Mayor and City Council approved Ordinance No. 0-6-97, granting Zoning Map Amendment Application Z-280 for the Lakelands, rezoning 343.22 acres from the I-3, E-1, R-A, C-B, and C-1 Zones to the MXD (Mixed Use Development) Zone and further approving an accompanying sketch plan as a part of the application.

B. Current Application

On January 14, 1997, the applicants, Gaithersburg Community Associates, LLC and Great Seneca Development Corporation, jointly submitted a schematic development plan application for the remaining vacant land within Kentlands and the first phase of Lakelands. The submission of SDP-7-1 included a cover sheet, schematic development plan, boundary survey, phasing plan, land use plan, traffic circulation plan, pathway and screening plan, preliminary grade establishment plan, street sections/road code waiver, utility concept plan, conceptual landscape and lighting plan, forest stand delineation/forest conservation plan, conceptual landscape details, storm water management concept and soils map, and building elevations.

The Planning Commission and Mayor and City Council held a joint public hearing on February 3, 1997, at which time evidence was received on the subject application. The Planning Commission's record was held open for 16 days and the Mayor and City Council's record was held open for 27 days. During the public hearing, concerns were raised pertaining to architecture of the townhouses, the community pavilion, the live-work units, road connections, loading dock visibility, the office building in the square, the apartment buildings, and traffic circulation into the Old Farm neighborhood.

A joint public worksession was held on June 9, 1997, by the Mayor and City Council and Planning Commission. At that meeting, there was discussion of all portions of the SDP and several issues were raised with respect to road design, street names and the insertion of a plaza along proposed Main Street.

A staff analysis was prepared and presented to the Planning Commission at their July 2, 1997, meeting. The staff presented their report and addressed the various issues raised at earlier meetings and issues that came about through staff's detailed review of the plans. The applicant agreed to all conditions proposed by staff, as well additional conditions recommended by the Planning Commission. The Planning Commission then voted to recommend approval of SDP-7-1 to the Mayor and City Council with a total of 41 conditions. Their recommendation of approval was based on the fact that the amended application would be compatible with the vision of the Kentlands and Lakelands, and would be in conformance with Chapter 24 of the Gaithersburg City Code. The vote was 4-0.

The Mayor and City Council has fully evaluated both the recommendations of the staff and the Planning Commission and agrees with their findings and recommendations. In addition, the City Council has evaluated the evidence of record and makes the following findings, as required by law.

C. Evaluation and Findings

In reviewing the subject application for approval of SDP-7-1, the City Council finds the proposal to be substantially in accordance with Chapter 24, of the City Zoning Ordinance, and specifically §24-160 d.1, the Mixed Use Development Zone (MXD). The City Council finds that as presented, SDP-7-1 fulfills the purposes and objectives of the Mixed Use Development Zone by producing a more flexible and innovative design for the remainder of Kentlands and the first phase of Lakelands. The SDP, which has been under review by the Planning Staff, the Planning Commission, and the Mayor and City Council, and as revised by the applicant, implements the policies and recommendations of the Mixed Use Development Zone.

It is the City Council's finding that SDP-7-1, Kentlands Midtown Phase 2, Section 3 & 4, Market Square and Lakelands Phase 1, as proposed in its current form which includes 180 single-family detached units, 375 townhouses, 350 condominium units, 270 apartments (for a total of 1,175 dwelling units), 46 live/work units, 15 townhouse offices, a 16,000-square foot office building, 246,018 square feet of retail space, 58,550 square feet of restaurant space, and a 3,000-square foot service station to be compatible and harmonious with existing and a planned uses in the subject site and adjacent areas.

In conclusion, the City Council finds SDP-7-1 as submitted in accordance with §24-160 d.9, and here unto conditioned, is in the public interest and should be approved due to the presence of sufficient evidence in the record to indicate that the subject SDP, has accomplished the purpose of the zone, reflects an internally and externally compatible form of development, and is consistent with the purpose of the Neighborhood Four Land Use Plan, as well as generally accepted city planning and land use policies, subject to the applicant complying with the following conditions as stated in this Resolution.

SCHEMATIC DEVELOPMENT PLAN (SDP-7-1)

RESOLUTION

NOW, THEREFORE BE IT RESOLVED, by the City Council of Gaithersburg, that SDP-7-1, being an application filed by Great Seneca Development Corporation and Gaithersburg Community Associates, LLC, requesting approval of the above cited dwelling units and non-residential square footage, is subject to the following conditions:

1. All streets providing access to the live-work units, commercial area and multi-family housing are to be 34-foot wide with parking on both sides. This includes the first six blocks of Main Street, Street R, Street BB, the private drive in Section 4, and the street adjacent to Block "O".
2. The 32-foot and 34-foot street widths are hereby approved as a road code waiver part and parcel of this SDP approval.
3. Fire truck turning radii are to be provided for all types of intersections within the SDP prior to Final Site Plan (FSP) approval.

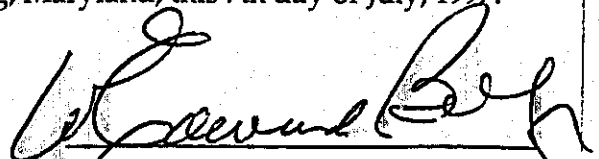
4. A geotechnical report for soils on Sections 3 and 4 of Kentlands is to be provided with final site plan.
5. An engineering plan for the traffic-calming measures on Kentlands Boulevard, including a section illustrating the future Transitway option, is to be approved and constructed prior to July 1, 1998. The cost is to be split with Great Seneca Development Corporation (GSDC) funding 70 percent and Gaithersburg Community Associates (GCA) funding 30 percent and the City is to assume maintenance of the road as soon as possible following completion.
6. Parallel parking detail per the Frederick model be added to the plan and used where appropriate prior to FSP approval.
7. A detailed park design be submitted for the park in Block "WW" of Section 4 and the square adjacent to the entrance road from Great Seneca Highway into Lakelands at Final Site Plan.
8. A noise study and abatement plan be submitted for the residential development in Section 4 at Final Site Plan.
9. A plan for art in public places be submitted and funding committed by the applicants with the committee's participation prior to July 1, 1998. The City Council shall approve the plan prior to implementation.
10. The right-angle intersections in Lakelands and other unique intersections be given final design approval prior to final site plan submittal.
11. A deer management plan be submitted and approved by the City and the Maryland Department of Natural Resources and implemented prior to grading and clearing of any portion of Lakelands other than the Market Square and multi-family area of this SDP.
12. An overall storm water management plan, pursuant to the recommendations found within the City's Sensitive Areas element of the Master Plan be approved by Maryland Soil Conservation District and the City prior to grading and clearing of any portion of Lakelands other than the Market Square and the multi-family area of this SDP.
13. A 5-foot wide asphalt sidewalk be shown along Great Seneca highway for the entire frontage of this SDP prior to SDP approval by staff. GSDC's portion of the walk is to be funded by GSDC prior to issuance of building permits in Sections 3 and 4 of Kentlands, at a cost no greater than \$10 per linear foot.
14. The final design of Street "N" and Road 17 be submitted and approved by the Fire Department and DPW&E prior to Final Site Plan for that portion of the SDP.
15. A street tree concept plan be submitted for Great Seneca Highway from Muddy Branch Road to Quince Orchard Road along with final plans for Kentlands Section 4 and Lakelands Phase 1 and the street trees along the entire Kentlands and Lakelands frontages be planted within the first planting season following the issuance of the 100th occupancy permit within each development's portion of this SDP.

16. An overall Forest Conservation Plan be submitted for all of the Lakelands prior to July 11, 1997.
17. A revised Forest Conservation Plan be submitted for the Kentlands portion of this SDP prior to approval of any final site plan other than the Market Square.
18. Additional street trees and parking lot island trees be added to the Market Square plan along Market Square Road and the private drive aisles prior to final site plan approval.
19. Architectural perspectives to be submitted with the final site plan reflecting the grades at the entrance to Market Square from Kentlands Boulevard.
20. The sidewalks at the entrance to Section 3 between the two restaurants are to be moved back away from the street prior to FSP approval.
21. Splitter islands are to be added to the proposed roundabout on Kentlands Boulevard prior to SDP approval.
22. A concept plan for the installation of bus shelters, depicting a new Gaithersburg prototype, is to be submitted prior to any FSP submittal, excluding Market Square.
23. A building feature, to be used as a focal point on the 26,000 square foot retail building in Section 3 is to be set on the axis created by the entrance drive prior to FSP approval.
24. Focal points are to be shown in Section 4 on corner buildings facing both east and west and the view axis and an entrance feature at Kentlands Boulevard and Great Seneca Highway are to be shown prior to FSP approval.
25. Details of loading area gates to be provided for Market Square at final site plan approval.
26. Re-work locations of free-standing 5,000-square foot building adjacent to Building D to improve traffic circulation prior to FSP approval.
27. Add sidewalk along the entrance drive to Market Square parking lot and add painted crosswalks for entrances to building C prior to FSP approval.
28. Improve screening of loading area adjacent to the 10,000-square foot retail building on west side of square and address alternative access and screening of loading area from Market Square on the east side of the square prior to FSP approval.
29. Access to Section 4 apartment area is to be improved prior to final site plan.
30. Wetlands permits are to be issued by Maryland Department of the Environment and Army Corps of Engineers prior to issuance of grading permits for areas impacted by wetlands.
31. Separate escrow agreements for intersection improvements, not to exceed \$200,000, are to be submitted by GSDC and GCA and are to be approved by the City Council and recorded in the land records. GSDC is to contribute \$74,000 (37%) and GCA is to contribute \$126,000 (63%) based upon the amount of traffic generated by their respective portions of the SDP, passing through the Muddy Branch-Great Seneca Highway intersection. Final

design of the improvements is to be submitted by February 1, 1998. Draw-down letters of credit are to be submitted by July 1, 1998. The agreements are to be recorded prior to the submittal of any final site plan subsequent to the Market Square final site plan.

32. Separate escrow agreements for contributions to the City's transit fund are to be approved by the City Council and recorded among the land records. GSDC is to contribute \$250,000 and GCA is to contribute \$1,000,000 towards the fund. The amounts are determined by an estimate for the cost of widening of Great Seneca Highway. Payments are to be made along with each building permit within Kentlands and Lakelands. Under no circumstances are the final payments to be received later than December 31, 2005.
33. Details for the Plaza adjacent to Main Street at the Market Square are to be provided at the time of final site plan for that portion of the SDP.
34. Stream buffer waiver for Lake Varuna must be requested and approved by the Planning Commission at final site plan. There will be no encroachment by streets or sidewalks into the buffer and the area of encroachment will be reforested with 2" caliper trees.
35. A stream buffer waiver must be requested and approved by the Planning Commission at final site plan for Lake Sheila in order to provide for a storm water management pond which must protect the Muddy Branch Stream as much as possible and include wetland and reforestation plantings.
36. All parking spaces are to be shown at 7 feet in width where striping is required.
37. A final plan for a naturalized, rustic pathway system for the entire Muddy branch stream valley within Lakelands be submitted with the first final site plan following the Market Square plan.
38. An agreement for public use of the Market Square be executed prior to occupancy permits.
39. The design of the pavilion be reviewed by the City Council and the ownership and use issues be resolved prior to final site plan approval for Midtown Phase 2.
40. The provision of tot lots and playgrounds be addressed at final site plan approval.
41. Townhouse blocks within Midtown be designated as potential live-work units on the SDP and staff is to explore options to streamline the conversion process.
42. The moratorium for Kentlands, Retail Section 3 is hereby lifted.

ADOPTED by the City Council of Gaithersburg, Maryland, this 7th day of July, 1997.


W. EDWARD BOHRER, JR. MAYOR
and President of the City Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the Gaithersburg
City Council in public meeting assembled on
the 7th day of July, 1997

A handwritten signature in dark ink, appearing to read "D. Humpton", written over a horizontal line.

David Humpton, City Manager